PATENT APPLICATION

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Reinhart Boerner Van Deuren s.c.

By: Ontona M. Abland

Date: March 3, 2005

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**GROUP ART UNIT: 1653** 

**EXAMINER: DAVID LUKTON** 

In re application of: Samuel Stupp	)	
	)	For: METHODS AND MATERIALS
Application No: 10/777,030	)	FOR NANOCRYSTALLINE
	)	SURFACE COATINGS AND
Filed: February 11, 2004	)	ATTACHMENT OF PEPTIDE
	)	AMPHIPHILE NANOFIBERS
Attorney Docket No. 8256	)	THEREON
•	)	
Customer No. 22922	)	

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 March <u>3</u>, 2005

# TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in

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another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

- NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-inpart) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Dated: March <u>3</u>, 2005

Reg. No. 53,840

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SIGNATURE OF ATTORNEY

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March 3, 2005

BY: Reinhart Boerner Van Deuren s.c.
Antonia M. Holland

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	application of: Samuel Stupp	.)	Group Art No.: 1653
Seria	al No.: 10/777,030	)	Examiner: David Lukton
Filed	l: February 11, 2004	)	Atty Docket No. 8256
For:	METHOD AND MATERIALS FOR NANOCRYSTALLINE SURFACE COATINGS AND ATTACHMENT OF PEPTIDE AMPHIPHILE NANOFIBERS	) ) ) )	
	THEREON	)	

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R. § 1.97(e)

- 1. This statement is being made for the Information Disclosure Statement accompanying this statement.
- 2. I, the person(s) signing below state:

that each item of information contained in the information disclosure statement was first cited in any communication (copy attached) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).

3. The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

Antonia M. Holland

Registration No. 53,840 Reinhart Boerner Van Deuren s.c.

Telephone No.: 414-298-8321 Attn: Linda Gabriel, Docket Clerk 1000 North Water Street, Suite 2100

Customer No.: 22922 Milwaukee, WI 53202

PTO/SB/08a (08-03)

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Stipstitute for form 1449A/PTO Complete if Known Application Number 10/777.030 INFORMATION DISCLOSURE Filing Date 02/11/2004 STATEMENT BY APPLICANT First Named Inventor Samuel Stupp Art Unit 1653 (Use as many sheets as necessary) Examiner Name **David Lukton** Sheet 1 of 8256 1 Attorney Docket Number

	U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant		
	No.1	Number - Kind Code <sup>2</sup> (if known)	MM-DD-YYYY	Cited Document	Passages or Relevant Figures Appear		
		US 6,051,272 A	04-18-2000	Stupp, et al.			
		US 5,733,868 A	03-31-1998	Peterson, et al.			
		US 5,130,123 A	07-14-1992	Reynolds, et al.			
		US 6,391,297 A	05-21-2002	Halvorsen, et al.			
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	FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>®</sup>	
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )					

Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not ensidered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 1172216

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XP E VO		Application Number	er	10/777,030		
**RANSMITTAL		Filing Date		02/11/2004	4	
FORM		First Named Inven	tor	Samuel St	upp	
· · · · · · · · · · · · · · · · · · ·		Art Unit		1653		
The Triangle of the correspondence after	Examiner Name		David Lukton			
Total Number of Pages in This Submiss		Attorney Docket N	umber	8256		
	ENCLO	SURES (check all tha	t apply)			
Fee Transmittal Form	☐ Drawing(s			After Allowance Communication to TC		
Fee Attached	Licensing	-related Papers		Appeal Communication to Board		
	Petition	·		of Appeals and Interferences  Appeal Communication to TC		
Amendment / Reply					lotice, Brief, Reply Brief)	
After Final		Convert to a al Application		Proprieta	ary Information	
Affidavits/declaration(s)		Attorney, Revocation of Correspondence Add	ress	Status L	etter .	
Extension of Time Request	Terminal I	Disclaimer		Other E	nclosure(s) lentify below):	
Express Abandonment Request	Request f	or Refund		•Statement for Information Disclosure Statement Under 37 C.F.R. 1.97(e)		
CD, Numb		per of CD(s) dscape Table on CD		Transmittal of Information Disclosure     Statement within Three Months of Filing or     Before Mailing of First Office Action		
Certified Copy of Priority Document(s)	Certified Copy of Priority Remarks			Copy of Foreign Search Report		
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Reply to Missing Parts under 37 CFR1.52 or 1.53						
SIGI	NATURE OF	APPLICANT, ATTO	RNEY, OF	R AGENT		
Firm	Reinhart Boer	mer Van Deuren s.c.				
Signature	antona M. Clouden 4					
Printed Name	Antonia M. Holland					
Date	March 3, 2			53,840		
	CERTIFICATE OF TRANSMISSION/MAILING					
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Signature	ma-	M. Joul	Ourc			
Typed or printed name Antonia M. Holland				Date	March_3_, 2005	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.